

YIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OKADA et al.

Serial No. 09/722,410

Filed: November 28, 2000

For: STORAGE DEVICES FOR VIDEO GAME SYSTEMS AND
VIDEO GAME SYSTEM EMULATORS

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June 6, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(B)

Nintendo, through its counsel, hereby renews its January 16, 2004 petition to expunge and return the Nintendo certain proprietary materials filed on January 16, 2004 in the form of an Information Disclosure Statement.

The January 16, 2004 petition to expunge was granted in-part in a decision dated April 18, 2008. Specifically, the petition to expunge was granted with respect to the Super NES Development Manual, Books 1 and 2. Consequently, these two documents will be expunged and destroyed. The Game Boy Programming Manual Version 1.0, 11/09/1999 was alleged in the decision to be relevant to the claimed invention and consequently the petition indicates that this document will not be expunged.

The January 16, 2004 petition contained the following request:

Should the examiner find only some portion(s) of the Nintendo proprietary materials to be relevant, the examiner has been requested to specifically identify by document and page number(s) those relevant portion(s) of the proprietary materials. Petition is hereby made to expunge

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Atty. Ref.: 723-951 JUN 06 2008

Group: 3714 OFFICE OF PETITIONS

Examiner: R. Mosser

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and return the portions of the proprietary materials not specifically identified by the examiner. (Bold in original)

The rejection mentioned in the petition decision is based on a very limited portion of the Game Boy Programming Manual (e.g., pages 3, 12, 20, 31, 47-54 and 71). Consequently, in accordance with the request in the original January 16, 2004 petition, Applicant requests that only the relevant portions of manual not be expunged and that the remainder of the manual be expunged and destroyed.

The materials to be expunged are proprietary to Nintendo and are not available to the public from Nintendo.

Nintendo agrees to retain the proprietary materials for the period of any patent issued based on the subject patent application.


This petition is submitted on behalf of Nintendo.

Attached hereto is a copy of the Form PTO-1449 listing the proprietary materials. The U.S. Patent and Trademark Office is hereby authorized to charge the fee set forth in 1.17(h) to our Deposit Account No. 14-1140 referencing docket number 723-951.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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INFORMATION DISCLOSURE CITATION

723-951

09/722,410

APPLICANT

OKADA et al.

(Use several sheets if necessary)

FILING DATE

GROUP

November 28, 2000

3714

[illegible][illegible][illegible]

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)